

EXHIBIT “C”

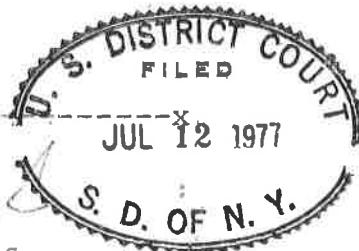
73 CW. 4279

CLOSED CASE
JUDGE LASKER
DATE <u>5-4-77</u>
S. D. OF N. Y.

Att-a-w
800-12-0389
P.O. 1-37-13
8x 3972

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 ALBERT E. PERCY, et al.,

Plaintiffs,



6 vs.

7 73 Civ 4279

8 PETER J. BRENNAN, Secretary of Labor, et al.,:

9 Defendants. :
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10 May 9, 1977
11 10:00 a.m.

12 B E F O R E :

13 HON. MORRIS E. LASKER,

14 District Judge

15 A P P E A R A N C E S :

16 FRENCH, FINK, MARKLE & MC CALLION, ESQS.,
17 Co-Counsel for Board of Urban Affairs
18 110 E 42nd Street
19 New York, New York

ROBERT J. FINK, ESQ.

WALTER M. COLLERAN, ESQ.,

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Attorney General, State of New York
2 World Trade Center
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ARNOLD FLEISCHER, ESQ.,

Assistant Attorney General

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City of New York
Municipal Building
New York, New York

BEVERLY GROSS, ESQ.,

Assistant Corporation Counsel

1 EW

2 A P P E A R A N C E S : (cont'd)

3 ROBERT B. FISKE, JR., ESQ.,
4 United States Attorney for the
Southern District of New York
One St. Andrew's Plaza
5 New York, New York
DENNISON YOUNG, ESQ.
6 PATRICK H. BARTH, ESQ.,
7 Assistant United States Attorneys

8 ISABELLE KATZ PINZLER, ESQ.,
9 National Employment Law Project, Inc.,
423 West 118th Street
10 New York, New York

11 - - -
12 THE COURT: There has been a discussion
13 among all parties here this morning as to whether, first,
14 there was a legal basis for honoring the request specified
15 in the State's letter of April 7, 1977 that the Court
16 "approved the proposed regulations and dismissed this
17 action as against the State defendants," and whether
18 there would be any legal basis for doing so.

19 Counsel for the Plaintiffs and others
20 have pointed out that the Court has extended jurisdiction
21 of this matter in the past against the possibility that
22 the State might propose regulations which would be clearly
23 at odds with the objectives of the litigation, and that
24 the State and the private defendants might have worked
25 together to achieve a "voluntary" plan; in which case,
the Plaintiffs here would not have been represented in

1 EW

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2 that process and wished to be protected by being able to
3 refer the matter to the Court.

4 In fact, such a voluntary process has not
5 occurred, as I understand it; is that correct?

6 MR. COLLERAN: That's correct.

7 THE COURT: And the regulations which have
8 now been developed by the State have been developed by
9 them alone.

10 Plaintiff's Counsel has also indicated
11 that at least the preservation of the proposed regulations
12 do not prompt the same anxieties on the part of the
13 Plaintiffs as they believed might have been the case at
14 an earlier time.

15 Under the circumstances of the fact
16 that some of the hypothetical underpinnings of the
17 extensions of jurisdiction in the past no longer seem to
18 exist, this case is four years old, that the major
19 propositions which it was intended to present to the
20 Court have long since been disposed of, and in light of
21 the fact that orders have been issued which, in the
22 opinion of the Court, have lasting force and which,
23 insofar as I know, may be enforced by further return to
24 the Court if the orders are violated, it is believed
25 there is no reason to continue the existence of the case.

1 EW

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2 It's in the best interests of justice
3 to dismiss without prejudice such elements of the case as
4 have not been disposed of otherwise to date.

5 MR. YOUNG: Your Honor, that includes,
6 of course, the Federal defendants, I assume?

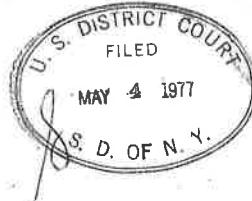
7 MS. PINZLER: I would assume so.

8 THE COURT: Yes..
9 - - -
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11 I (We) hereby certify that the foregoing
12 is a true and accurate transcript, to the best
of my (our) skill and ability, from my (our)
13 stenographic notes of this proceeding.
14 
15 Official Court Reporter
U. S. District Court

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



- - - - - X
ALBERT E. PERCY, ET AL. :
vs.
SEC. LABOR, ET AL. :
: MINUTE ENTRY PURSUANT TO
: MEMORANDUM FROM THE
: ADMINISTRATIVE OFFICE OF
: THE U. S. COURTS, DATED
: JUNE 15, 1973
- - - - - X

This case having been pending for over three years, all
presently contemplated proceedings having been completed, and
there having been no action herein for over 12 months, there
appears to be no further reason at this time to maintain the file
as an open one for statistical purposes, and the Clerk is instructed
to submit a JS-6 form to the Administrative Office.

Nothing contained in this minute entry shall be con-
sidered a dismissal or disposition of this matter, and, should
further proceedings in it become necessary or desirable, any party
may initiate it in the same manner as if this minute entry had
not been entered.

So Ordered.

Dated: New York, New York

4 - MAY 1977

S/ David N. Edelstein

Chiet Judge

U. S. D. J.

Original filed in CIV 140-323